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Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JESSE J. BYRD, MALIK BRITT, RASHAD
CONLEY, and ANDREW EMIL
ARMSTRONG,

Plaintiffs,

vs.

THE CITY AND COUNTY OF SAN
FRANCISCO; SAN FRANCISCO POLICE
DEPARTMENT; ROSELO PASCUA; ALEX
RODATOS; KELVIN SANDERS;
JONATHON CATLETT; RICHARD
SOARES; WILLIAM ESCOBAR; and DOES
NO. 1-20, inclusive.

Defendants.

Case No. C11-1742 DMR

**STIPULATED APPLICATION TO EXCUSE
DEFENDANTS RODATOS AND ESCOBAR
FROM ATTENDANCE AT SETTLEMENT
CONFERENCE; DECLARATION OF
BRADLEY A. RUSSI; ~~PROPOSED~~ ORDER**

HEARING DATE: Feb. 13, 2013
TIME: 11:00 A.M.
PLACE: Judge Westmore
1301 Clay Street
Oakland, CA

Trial Date: March 11, 2013

1 This office represents the Defendants in the above-referenced matter, including Defendants
 2 Alex Rodatos and William Escobar. Defendants request that Sergeant Rodatos and Lieutenant Escobar
 3 be excused from the settlement conference scheduled for February 13, 2013. Sergeant Rodatos has a
 4 medical issue that has rendered him unable to travel to the conference. He will be available by
 5 telephone. Lieutenant Escobar has been attending a multiple-month training course. He is required to
 6 participate in the end of the training course, which is scheduled for February 13, or he will have to
 7 repeat the entire course.

8 The other individual defendants will be present, as will a representative from the San Francisco
 9 Police Department. The presence of Sergeant Rodatos and Lieutenant Escobar is not necessary to
 10 authorize a settlement. Furthermore, Plaintiffs have already taken the depositions of these Defendants.

11 Plaintiffs' counsel has stipulated to excusing Rodatos and Escobar from attendance at the
 12 settlement conference.

13
 14 Dated: February 1, 2013

15 DENNIS J. HERRERA
 16 City Attorney
 17 CHERYL ADAMS
 18 Chief Trial Attorney
 19 BRADLEY A. RUSSI
 20 Deputy City Attorney

21 By: /s/ Bradley A. Russi
 22 BRADLEY A. RUSSI

23
 24 Attorneys for Defendants
 25 CITY AND COUNTY OF SAN FRANCISCO, ET AL
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DECLARATION OF BRADLEY A. RUSSI

I, Bradley A. Russi, declare as follows:

1. I am an attorney admitted to practice law in the State of California and before this Court. I am employed as a Deputy City Attorney with the Office of the City Attorney for the City and County of San Francisco. I am assigned to represent the defendants in the above-captioned litigation.

2. I am informed and believe that Sergeant Rodatos has a medical issue that has rendered him unable to travel to the conference. He will be available by telephone.

3. Lieutenant Escobar has been attending a multiple-month training course. He is required to participate in the end of the training course, which is scheduled for February 13, or he will have to repeat the entire course.

4. I have conferred with Plaintiffs' counsel regarding the presence of Rodatos and Escobar at the settlement conference. Plaintiffs' counsel stipulated that Rodatos and Escobar need not attend.

I declare under penalty of perjury under the laws of the State of California that the preceding declaration is true, and that this declaration was executed February 1, 2013 in San Francisco, California.

/s/ Bradley A. Russi
BRADLEY A. RUSSI

~~PROPOSED~~ ORDER

Upon good cause shown, Defendants Alex Rodatos and William Escobar are excused from attendance at the February 13, 2013, settlement conference of this matter.

IT IS SO ORDERED

Dated: 2/4/13


KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE